

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	: 1794	Customer No.: 035811
Examiner	: Lynda Salvatore	
Serial No.	: 10/594,142	
Filed	: September 25, 2006	
Inventors	: Hiromi Takarada : Yoshitaka Aranishi : Shoko Mihara	Docket No.: TOR-06-1354
Title	: A FABRIC FOR CLOTHING AND A : PRODUCTION METHOD THEREOF	Confirmation No.: 8937

Dated: April 24, 2009

RESPONSE

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is submitted in response to the Advisory Action dated February 25, 2009 and assumes the acknowledged entry of the Response dated February 13, 2009 into the official file.

The Applicants note with appreciation the Examiner's additional helpful comments in the Advisory Action and particularly note the comment that "it is expected that the CV value would be exhibited once the prior art article is provided." This is essentially an inherency argument despite the fact that the word "inherent" was not used. MPEP §2112 makes it clear that a rejection based on inherency requires that the claimed property, namely the CV value in this case, must "necessarily" be present based on the disclosure of the prior art, namely Maurer, in this case. This is a strict standard and it is not enough that the claimed CV value "might be" or "could be" present based on the Maurer disclosure. The claimed CV value must "necessarily" be present in Maurer.